

Rule 122.1: Use of portable electronic devices in a courthouse [New]

a. Purpose. This rule specifies the permitted and prohibited uses of portable electronic devices in a courthouse. A court must use reasonable means to advise courthouse visitors of the provisions of this rule. A violation of this rule may be punishable as contempt.

b. Definitions. The following definitions apply in this rule:

(1) A “*portable electronic device*” is a mobile device capable of electronically storing, accessing, or transmitting information. The term encompasses, among other things, a transportable computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone, or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); other devices that provide internet access; and any similar items.

(2) A “*courthouse*” includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court. A “courthouse” also includes settings outside a court building where a judge conducts an event concerning a court case.

(3) *Other definitions:* This rule incorporates other definitions found in Supreme Court Rule 122(b).

c. Photography and audio or video recording. Photography, audio recording, and video recording in a courthouse are permitted, but the following restrictions apply:

(1) *In a courtroom:* In a courtroom, no one may use a portable electronic device to take photographs or for audio or video recording unless that use is allowed under Rule 122.

(2) *Outside a courtroom:* In areas of a courthouse other than courtrooms, no one may photograph or record an individual without that individual’s express consent.

(3) *Local orders:* By local administrative order, a court may adopt further reasonable limits on photography and audio or video recording in a courthouse that are not inconsistent with this rule or with Rule 122.

d. Jurors and witnesses. The following restrictions apply to use of portable electronic devices by jurors, including prospective jurors, and by witnesses.

(1) *Jurors:* Jurors must turn off their portable electronic devices while present in a courtroom and while present in a jury room during the jury's deliberations and discussions concerning a case. Jurors may use their devices for allowable purposes during breaks.

(2) *Witnesses:* A witness must silence any portable electronic device while in a courtroom, and may use a device while testifying only with permission of a judge.

e. Attorneys, parties, and members of the public. The following provisions apply to use of portable electronic devices in a courtroom by attorneys, parties, and members of the public. **Any allowed use of a portable electronic device under this section is subject to the authority of a judge to terminate activity that may be disruptive or distracting to a court proceeding, or that may otherwise be contrary to the administration of justice.**

- Options for the preceding sentence:

Option b (alternative):

- Any allowed use of a portable electronic device under this section is subject to the authority of a judge to terminate activity that is disruptive or distracting to a court proceeding, or that is otherwise contrary to the administration of justice.

Option c (LJ judges proposed language):

- Any allowed use of a portable electronic device under this section is subject to the authority of a judge either to prohibit usage, or to terminate activity that is, or may become, disruptive or distracting to a court proceeding, or that may otherwise be contrary to the administration of justice.

(1) *Allowed uses:* Attorneys, parties, and members of the public may use a portable electronic device in a courtroom to retrieve or to store information, to access the internet, and to send and receive text messages or information.

(2) *Prohibited uses.* A portable electronic device may not be used, without permission of the court, to make or to receive telephone calls or for other audible functions while court is in session, and attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom.

(3) *Use of a personal audio recorder:* Attorneys, parties, and members of the public may use a personal audio recorder in a courtroom only as provided by Rule 122.

f. Use of a portable electronic device outside a courtroom; limitations. Except as provided in sections (c), (d) and (e) of this rule, a person may use a portable electronic device in a courthouse, subject to the authority of judges, **Clerks of the Court**, court administrators, or court security officers to limit or terminate activity that may be disruptive to court operations or that may compromise courthouse security.